

**REMARKS**

**INTRODUCTION:**

In accordance with the foregoing, claims 1, 8, and 21 have been amended. Support for the claim amendments can be found at least at paragraphs [0007], [0053], [0054], [0055] and [0059] of the above-identified application and therefore no new matter has been added.

Claims 1-16 and 18-21 are pending in the present application. Claims 1, 8 and 18-21 are independent claims. Reconsideration of the claims is respectfully requested.

**ALLOWABLE SUBJECT MATTER:**

Claims 4-7 and 11-16 are objected to but are indicated as allowable if rewritten in independent form. Applicant will hold the rewriting of these claims in abeyance until the arguments presented herein have been considered. Claims 18-20 are allowed.

**REJECTIONS UNDER 35 USC §§ 102 & 103:**

Claims 1, 2, 8, 9 and 21 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,325,352 to Matsumoto ("Matsumoto"). Claims 3 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,325,352 Matsumoto. All rejections are respectfully traversed.

Amended independent claim 1 recites at least the following:

building table of contents information for the host data before recording any data on the optical recording medium, the table of contents information being built using the record data to be recorded in a lead-in region of the optical recording medium among the record data stored in the buffer;

Matsumoto, taken separately or in combination, fails to suggest or disclose at least all of the above-recited features of amended independent claim 1.

As Applicant has previously asserted, Matsumoto relates to recording of mastering information for disc mastering and discusses building table of contents (TOC) information of program information recorded on a recording medium. However, Matsumoto teaches that the TOC is built during writing of the program information or upon completion of the writing of the

program information (col. 5, lines 40-45 and Col. 6, lines 26-35). In this sense, Matsumoto is similar to the conventional art described in the *Background* section of the present application. There, for example, the present application describes a conventional raw mode recording method as one in which Table of Contents information is built *after* data transmitted from a host is sequentially recorded on a lead-in region (1), a program region (3) including a pre-gap (2), and a lead-out region (4) of an optical recording medium (see par. [0005] and FIG. 1B, for example).

The current Office Action, at page 2 states the following regarding Matsumoto:

"A TOC is generated for this input/program data and temporary [sic] stored in memory 44 (5/40-49). This TOC data represents the contents of the program to be recorded (1/48-55). Program data and TOC data is then recorded on the disc (5/67-6/4)."

Applicant respectfully traverses this assertion because it does not accurately characterize the cited portion of Matsumoto. In fact, the cited portion of Matsumoto states the following regarding the timing of the generation of the TOC:

"A TOC generator 40 generates TOC information as a table-of-contents information of program information **during writing of the program information or upon completion of writing** to have this TOC information stored once in a TOC/subcode memory 44" (col. 5, lines 40-45, emphasis added).

Consequently, the timing of the generation of the TOC in Matsumoto is not as characterized in the current Office Action and therefore clearly does not suggest or disclose all of the above-recited features of amended independent claim 1. Accordingly, Applicant respectfully submits that claim 1 patentably distinguishes over Matsumoto, and should be allowable for at least the above-mentioned reasons. Since similar features recited by each of the independent claims 8 and 21, with potentially differing scope and breadth, are not suggested or disclosed by Matsumoto, the rejection should be withdrawn and claims 8 and 21 also allowed.

Further, claims 2 and 9 variously depend from independent claims 1 and 8, and should be allowable for at least the same reasons as claims 1 and 8, as well as for the additional features recited therein.

REQUEST FOR INTERVIEW BEFORE NEXT OFFICE ACTION:

Applicant respectfully requests the Examiner to contact the undersigned attorney to discuss the pending claims before issuance of the next Office Action. Applicant believes that a more thorough review of Matsumoto and the pending claims will be helpful to further prosecution.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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